

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BLUEGRASS)	CASE NO.
GAS SALES, INC. FOR A RATE ADJUSTMENT)	2021-00483
PURSUANT TO 807 KAR 5:076)	

O R D E R

On January 19, 2022, Jason Warfel filed a motion requesting to intervene in this proceeding. As a basis for his motion, Mr. Warfel stated that he is a resident of Cave City, Kentucky, that he has spoken with his neighbors, and that he knows that the granting of a rate increase for Bluegrass Gas Sales, Inc. (Bluegrass) would be a financial hardship on his community and himself and would cause difficulties during the COVID-19 pandemic.¹ Mr. Warfel further stated that the requested increase in rates is too drastic, could cause customers to become delinquent on their bills, may ruin customers' credit, and could put families out on the streets.²

LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). Intervention by all others is permissive and is within the sole discretion of the Commission.³

¹ Jason Warfel Request for Intervention (filed Jan. 19, 2022).

² Jason Warfel Request for Intervention.

³ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

The statutory standard for permissive intervention, KRS 278.040(2), requires that “the person seeking intervention must have an interest in the ‘rates or ‘service’ of a utility, since those are the only two subjects under the jurisdiction of the PSC.”⁴

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11) requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that Mr. Warfel failed to demonstrate that he has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented or that Mr. Warfel is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings.

The concerns raised by Mr. Warfel noted above are concerns of all of Bluegrass' ratepayers. The law requires more than a general interest as a customer, but a special interest in order to intervene. Also, nothing in Mr. Warfel's request to intervene indicated that Mr. Warfel is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings. Mr. Warfel has

⁴ *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289328 at 3 (Ky. App. Feb. 2, 2007).

not demonstrated how he would present the general issues he discusses in his request or how he would develop facts for the general issues that will assist the Commission.

Mr. Warfel will have an opportunity to participate in this proceeding even though he is not granted intervenor status. Mr. Warfel can review all public documents filed in this case and monitor the proceedings via the Commission's website, <https://psc.ky.gov/Case/ViewCaseFilings/2021-00483>. In addition, Mr. Warfel may file comments as frequently as he chooses, and those comments will be entered into the record of this case.

IT IS THEREFORE ORDERED that the motion to intervene filed by Mr. Warfel is denied.

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PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman

Commissioner



ATTEST:



Linda P. Bridwell
Executive Director

Case No. 2021-00483

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